

**TOWN OF STOW  
BOARD OF SELECTMEN  
RECORDS MANAGEMENT  
POLICY & SYSTEM  
October 5, 2009**

**I. POLICY**

The Massachusetts Public Records Law, MGL Chapter 66, provides that any person has an absolute right of access to public information. This right of access includes the right to inspect, copy or have copies of records provided upon the payment of a reasonable fee.

This policy shall be construed so as to ensure the public prompt access to all public records in the custody of any governmental entity of the Town of Stow, and to ensure that disputes regarding access to particular records are resolved expeditiously and fairly.

Definitions

**Correspondence** – Any soft or hard copy letter, memo, or email, including all enclosures and attachments, sent from or received by one or more selectmen or the selectmen’s Administrative Assistant. Exclusions: meeting/event notices from municipal organizations; e.g., MMA, MAPC, etc.; emails related to setting committee/board meeting dates; unsolicited advertisements, circulars, and promotional materials. All items of correspondence are “public records”.

**Custodian** - Any governmental entity who in the normal course of his, her, or their duties has access to or control of public records.

**Governmental Entity** - Any authority expressly established by Stow's Charter to serve a public purpose: any employee, department, office, commission, committee, council, board, or other agency within the Town of Stow.

**Public Records** - All books, papers, maps, photographs, recorded tapes, electronically transmitted information, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any governmental entity of the Town of Stow, unless such materials or data fall within one or more of the exemptions found within MGL C. 4, S. 7(26).

**Records Management** - A process designed to provide economy and efficiency in the creation, organization, maintenance and retrieval, and disposition of records, which assumes that needless records will not be created or retained and valuable records will be preserved and available.

## General Provisions

**Access to public records** - A custodian of a public record shall permit all public records within his, her or their custody to be inspected or copied by any person during regular business hours. Those governmental entities in Stow that do not have daily business hours, a written notice shall be posted in a conspicuous place listing the name, position, address and telephone number of the person to be contacted to obtain access to public records.

**Promptness of Access** - Every governmental entity shall maintain procedures that will allow at reasonable times and without unreasonable delay access to public records in its custody to all persons requesting public records. Each custodian shall comply with a request as soon as practicable and within 10 days. Each governmental entity shall develop a written procedure for public access and release of information and provide the Town Administrator with a copy of this procedure. Any changes to this procedure shall be in writing and copied to the Town Administrator.

**Requests for Public Records** - Requests for public records may be oral or written. Written requests may be submitted in person or by mail. It is recommended that a record requester make a written request where there is substantial doubt as to whether the records requested are public, or if an appeal pursuant to CMR 32.08(2) is contemplated. A custodian shall not require written requests merely to delay production.

**Description of Requested Records** - Any person seeking access to a public record or any portion thereof shall provide a reasonable description of the requested record to the custodian so that he, she, or they can identify and locate it promptly. A person shall not be required to make a personal inspection of the record prior to receiving a copy of it. A custodian's superior knowledge of the contents of a governmental entity's files shall be used to assist in promptly complying with the request.

**Prohibition of Requests for Background Information** - A custodian may not require the disclosure of the reasons for which a requester seeks access to or a copy of a public record. A custodian shall not require proof of the requester's identity prior to complying with requests for copies of public records.

**Copies** - Upon request, a person at his or her election, shall be entitled to receive in hand or by mail one copy of a public record or any desired portion of a public record upon payment of a reasonable fee.

**Fees for Copies of Public Records** - Except where fees for copies of public records are prescribed by statute, a governmental entity shall charge the following fees for copies of public records:

- \$0.20 cents per page for copies of a public record
- \$0.50 cents per page for copies of computer printouts

- \$1.00 per CD
- \$19.05 per hour for preparation/search time
- Actual mailing cost for USPS first class

A custodian shall provide in advance a written, good faith estimate of the necessary copying, search time and segregation time fees where the total costs are estimated to exceed ten dollars.

A custodian may not assess a fee for the mere inspection of public records, unless compliance with such request.

Every custodian, unless otherwise required by law, may waive fees where disclosure is determined to be a benefit to the public interest.

**Advisory Opinions and Appeals** - Any question concerning the retention, disposal, access or release of any public record, or relating to any provision of this policy, shall be addressed to the Town Administrator, if requested, in writing.

Whenever a custodian determines, pursuant to a request for a public record, that the record or any portion therein is not public, the custodian, within 10 days of the request for access, shall provide in writing the reasons for such denial. The denial shall specifically include the exemption(s) in the definition of public records upon which the denial is based. Failure to make a written response within 10 days to any request for access shall be deemed a denial of the request. As part of the written denial, the custodian shall advise the person of his or her right to remedies on appeal.

In every instance when a custodian is contemplating denying a release of public record, prior to issuing the denial, the custodian shall, without exception, provide in writing the specific basis for denial to the Town Administrator. The Town Administrator shall make the final determination as to whether the public record is to be released.

The Town Administrator may request an advisory opinion from the Supervisor of Public Records if a particular request for release of public record warrants such a request.

In the event that any custodian of public records in Stow denies access or release of a public record, or in the event that there has not been compliance with provisions of MGL C. 66, the requester may appeal to the Supervisor of Public Records within 90 days. Such appeal shall be in writing, and shall include a copy of the letter by which the request was made and, if available, a copy of the letter by which the custodian denied the request. The Supervisor shall accept an appeal only from a person who had made his or her request in writing. An oral request, while valid as a public record request, may not be used as a basis for an appeal. The provisions of this policy have been received, reviewed and are understood by the undersigned.

## II. RECORDS MANAGEMENT SYSTEM

The filing structure for the selectmen's administrative office appears in Appendix A, and the record retention table is shown in Appendix B. Most of the retention requirements were adapted from the Massachusetts Record Management Unit (RMU) tables. If a given item was not listed in the RMU tables, we made a reasonable assumption based upon other similar records.

"Correspondence" is not listed in the RMU tables. We have assigned a retention period of two years unless the correspondence item falls into one of the categories in Appendix B, in which case the retention period in Appendix B applies.

Emails are correspondence as defined above. The recipient is responsible for saving correspondence unless it is received from another town employee, official, or an appointee or volunteer serving on a town committee or board. In these cases, the sender is responsible for retaining the correspondence he/she generates. Note that the sender may be the original author or a person who replies to an email or forwards it to other(s). The sender is always responsible for saving correspondence sent to anyone outside of town government.

Electronic or "soft" copy storage is permitted for items with retention periods less than 10 years. Hard copy storage is required for items with retention periods greater than or equal to 10 years.

Records may not be destroyed without approval of the Supervisor of Public Records. The requirements are as follows:

1. To destroy records included on a retention schedule, one should submit to the Supervisor of Public Records two copies of a letter substantially in the form suggested by the sample shown below, indicating the schedule number, estimated volume, and the inclusive dates for each type of record to be destroyed. One copy of this letter will be returned to the requester with the approval of the Supervisor. Following receipt of this approval, all records included in the written request may be legally destroyed subject to any conditions specified thereon.
2. To destroy a record that is not presently included on a retention schedule, one should submit a letter in duplicate to the Supervisor indicating the title, inclusive dates of each item, and alternate sources (if any of the record and/or information contained thereon).
3. Before submitting destruction requests to the Supervisor, be sure that the records are not subject to any current or pending litigation or public records request and that the prescribed retention period has fully expired for each record to be destroyed. Where this refers to ***completion of satisfactory audit or final settlement of levy***, included these or other variable dates so that the eligibility for destruction of the records in question may be checked.

4. Where items dated within the current fiscal year (or calendar year for those items pertaining to motor vehicles and farm animal excise) have already been audited, they should nonetheless be retained through June 30 (or December 31) or later, as necessary.
5. For further information regarding this schedule, contact: Supervisor of Public Records, Massachusetts Archives at Columbia Point, 220 Morrissey Boulevard, Boston, MA 02125. Telephone: 617-727-4062.

## SAMPLE LETTER TO REQUEST PERMISSION TO DESTROY RECORDS

[Record Custodian's Letterhead]

[Date]

Secretary of the Commonwealth  
Supervisor of Public Records  
Archives Division-Records Management Unit  
Massachusetts Archives at Columbia Point  
220 Morrissey Boulevard  
Boston MA 02125

Dear Supervisor:

This is to request authorization to destroy the records listed on the [list schedule name here e.g., Accountant/Auditor] records disposal schedule [list schedule number here e.g., 06/82] revised [list date of last revision; this date is on the top right corner of the records disposal schedule] as follows:

SERIES NUMBER	INCLUSIVE DATES
6.1	January 1, 1972 to June 30, 1975
6.4	January 1, 1979 to June 30, 1981

Estimated volume: 2.5 cubic feet

The last audit of accounts of this office was completed on [list date and year here e.g., Sept. 1, 1998]. I certify that to the best of my knowledge these records do not pertain to any current public record request or to any current or pending litigation to which this office is a party.

Very truly yours,

[Signature of legal Records Custodian]

APPROVED: \_\_\_\_\_  
Custodian of Records for Stow Board of Selectmen

## **Email File Management**

The procedure for managing emails in the selectmen's administrative office is as follows:

Using Microsoft Outlook, incoming and sent emails will be periodically filed in folders by subject, as found in the Outlook program on the Selectmen's Office PC. Examples of subjects are: Appointments, Budgets, Insurance, and Selectmen. The set of folders is within the working (default) "Outlook Today" PST file.

For archiving purposes, a new PST file is created and named for each fiscal year, e.g. FY 2007 and FY 2008. Each of these PST files has an identical set of folders to the working PST file. Periodically, email messages within the folders are selected and moved to the appropriate folder within the archive PST file. For example, when a new fiscal year begins, the contents of the working Appointments folder are selected and moved into the FY archive folder of the same name. In this way, the current folders contain messages for the current fiscal year and older messages are stored by Fiscal Year and by subject.

This scheme allows Outlook email messages to be archived and backed up by fiscal year, allowing Outlook to run more efficiently, while providing a logical access structure to public records.

Furthermore, the email folder names in the current and past fiscal years correspond to major categories in the hardcopy file structure to make accessing and retrieving information more intuitive.

## **Appendix A: File Structure**

### **I. Finances**

- Budget Estimates, Annual
- Budgets, Final
- Departmental Payments to Treasurer
- Expenditures (estimated)
- Grant Files (Successful Applications)
- Invoices
- Payroll Sheets (Departmental)
- Purchase Orders
- Purchase Requisitions
- Reserve Fund Transfer (RFT) Request
- Schedule of Departmental Bills Payable

### **II. Insurance**

- Bridge inspections
- Claims
- Fleet schedule
- Insurance policies & Riders

- Public Officials' Bonds
- Valuation Lists, all but Motor Vehicle and Trailer

### III. Permitting

- Common Victualer License
- Earth Removal Permits
- Event Permits
- Licenses and Permits (all others)
- Liquor licenses
- One-day Liquor License
- Report of Insurance Commissioner Relating to Weighing and Measuring
- Report of Violations Relating to Weighing and Measuring
- Street Acceptances: Layouts/Alterations/Discontinuations, Record of (kept by Town Clerk?)
- Tax Classification Hearing Records
- Traffic Rules and Orders
- Used Car Licenses
- Warrant to police officer, constable, and/or dog officer

### IV. Personnel

- Accident Reports (a) Personal Injury
- Accident Reports (b) Property Damage
- Appointment Certificates (held by Linda?)
- Committee Lists
- Employment Applications
- Job Descriptions
- Mass. Municipal Personnel Association Reports & Data
- Officials Lists
- Performance Bonds
- Training Reports for Individual Employees
- Union Contracts

### V. Procedures, Statutes, and References

- Bylaws, General
- Charter
- In-house Policies
- Mass General Laws and CMRs (current)
- Procurement

### VI. Projects and Programs

- Affordable Housing
- Assabet River
- Assabet River Rail Trail
- Bids for Contracts

- Cable Television
- Contracts and Leases
- Deeds
- Land Use
- Litigations
- Master Plan
- School Building

## VII. Selectmen's Meetings

### Executive Sessions

- Minutes, List of Those Not Yet Released to Public Record
- Minutes, Exec Session (before made public)
- Minutes, Exec Session (made public)

### Open Sessions

- Agendas
- Audio Tapes or DVDs, Hearings
- Audio Tapes or DVDs, Meeting Minutes
- Awards/recognition (wouldn't these be in minutes?)
- Correspondence
- Master List of File Structure [does not really fit under Selectmen's Meeting?]
- Minutes Open Sessions, Including Hearings
- Reports to Board (same as Correspondence)

## VIII. Town Meetings

- Articles as Submitted
- Motions, Final
- Special Town Meeting Petitions
- Town Clerk's Certification of Votes
- Warrant Distribution, Printing and Mailing Info
- Warrants, Final

## IX. Town Reports

- Annual Town Reports
- Departmental Reports As Submitted
- Mass. Office of Minority & Women Business Assistance Reports
- Perambulation Records, including receipts for registered notices to continuous towns
- Regional School District Annual Report
- Regional School District Organization Proposal

## Appendix B: Record Retention Table

Function	Series name (* =perm not required for destruction)	Legal citation	Disposition period	Hardcopy retention required	Series number	Date last revised
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Function	Series name (* =perm not required for destruction)	Legal citation	Disposition period	Hardcopy retention required	Series number	Date last revised
1. Finances	Budget Estimates, Annual	c.41 s.59	After use.	No	9.6	1/1/80
1. Finances	Budgets, final		Following completion of satisfactory audit	No		
1. Finances	Departmental Payments to Treasurer		After completion of satisfactory audit.	No	23.10	5/3/93
1. Finances	Expenditures (Estimated)	c.41 s.60	After use.	No	9.11	1/1/80
1. Finances	Grant Files (Successful Applications)	c.40 s.8B, c.260 s.2	7 years after completion of all terms of grant, retain EOEA-SGA permanently.	No	27.10	1/1/93
1. Finances	Grant Files (Unsuccessful Applications)		After final rejection.	No	27.11	1/1/93
1. Finances	Invoices		1 year if record copy is kept centrally e.g., by Purchasing Agent, Accountant/Auditor. Otherwise, 7 years provided a satisfactory audit has been completed.	No	23.15	5/3/93
1. Finances	Payroll Sheet (Departmental)	c.41 s.42	After use.	No	9.14	1/1/80
1. Finances	Purchase Orders		1 year if record copy is kept centrally e.g., by Purchasing Agent.	No	23.19	5/3/93
1. Finances	Purchase Requisitions		After receipt of goods or services, if record copy is kept centrally e.g., by Purchasing Agent..	No	23.20	5/3/93
1. Finances	Reserve Fund Transfer (RFT) Request	c.40 s.5	After completion of satisfactory audit..	No	9.16	1/1/80
1. Finances	Schedule of Departmental Bills Payable	c.41 s.51	After use.	No	9.18	1/1/80
2. Insurance	Bridge Inspections		Life of bridge	Yes		
2. Insurance	Claims		Permanent	Yes		
2. Insurance	Fleet Schedule		After updating	No		
2. Insurance	Insurance Policies & Riders		7 years after expiration.	No	9.12	1/1/80
2. Insurance	Public Officials' Bonds		Permanent	Yes		
2. Insurance	Valuation Lists, all but Motor Vehicle and Trailer	c.59 ss.44, 52	Permanent.	Yes	1.89	11/22/96
3. Permitting	Application for License		Duration of license plus 2 years if granted; 2 years if denied.	No	9.38	1/1/80
3. Permitting	Application for Permit		Duration of license plus 2 years if granted; 2 years if denied.	No	9.39	1/1/80
3. Permitting	Application for Transfer of License	c.138 s.15A	Permanent.	Yes	9.43	1/1/80
3.	Change of Location or Manager	c.138	Permanent.	Yes	9.44	1/1/80

Function	Series name (* =perm not required for destruction)	Legal citation	Disposition period	Hardcopy retention required	Series number	Date last revised
Permitting	Position	s.15A				
3. Permitting	Club License	c.138 s.12	7 years after termination.	No	9.49	1/1/80
3. Permitting	Common Victualer License	c.138 s.12	7 years after termination.	No	9.50	1/1/80
3. Permitting	Earth Removal Permits		Permanent	Yes		
3. Permitting	Event Permits		1 year after event	No		
3. Permitting	Letter of Approval to ABCC	c.6 s.44	Permanent	Yes	9.45	1/1/80
3. Permitting	License Book		Permanent.	Yes	9.40	1/1/80
3. Permitting	License Copies		Permanent	Yes		
3. Permitting	Licenses & Permits (all others)		Permanent	Yes		
3. Permitting	Liquor Licenses		Permanent	Yes		
3. Permitting	One-day Liquor License		Permanent	Yes		
3. Permitting	Report of Insurance Commissioner Relating to Weighing and Measuring	c.32 s.32	Permanent.	Yes	9.61	1/1/80
3. Permitting	Report of Violations Relating to Weighing and Measuring	c.92 s.32	Permanent.	Yes	9.62	1/1/80
3. Permitting	Retail Package Goods License	c.138 s.15	7 years after termination.	No	9.53	1/1/80
3. Permitting	Street Acceptances: Layouts/Alterations/Discontinuations, Record of	c.82, s.23	Permanent.	Yes	2.110	3/13/97
3. Permitting	Tax Classification Hearing Records	c.58 ss.9, 10	Permanent	Yes	1.80	11/22/96
3. Permitting	Traffic Rules and Orders		Permanent	Yes		
3. Permitting	Used Car Licenses		Permanent	Yes		
3. Permitting	Warrant to police officer, constable and/or dog officer	c.140 s.153	4 years, provided no litigation pending.	No	9.29	1/1/80
4. Personnel	Accident Report Forms		7 years.	No	23.33	5/3/93
4. Personnel	Accident Reports (a) Personal Injury		7 years, provided no litigation is pending.	No	23.36A	5/3/93
4. Personnel	Accident Reports (b) Property Damage		3 years, provided no litigation is pending.	No	23.36B	5/3/93
4. Personnel	Appointment Certificates	c.41 s.23C	3 years after termination of appointment.	No	9.3	1/1/80
4. Personnel	Committee Lists		Permanent	Yes		
4. Personnel	Employment Applications		If hired, permanent. If unhired, 2 years	Yes/No	9.9	1/1/80

Function	Series name (* =perm not required for destruction)	Legal citation	Disposition period	Hardcopy retention required	Series number	Date last revised
			following filling of position or cancellation of vacancy provided no litigation is pending.			
4. Personnel	Employment Service Record		Permanent.	Yes	9.10	1/1/80
4. Personnel	Job Descriptions		Permanent	Yes		
4. Personnel	Mass. Municipal Personnel Assn. Reports/Data		Until updated	No		
4. Personnel	Notice of Vacancy in Municipal Office Caused by Retirement or Resignation	c.50 s.6A	1 year from filling of vacancy.	No	9.37	1/1/80
4. Personnel	Officials Lists		Permanent	Yes		
4. Personnel	Performance Bonds	c.268A, s.17	7 years.	No	23.49	5/3/93
4. Personnel	Training Report for Individual Employees		1 year if copy is filed in personnel file, otherwise 7 years after termination of employee.	No	23.47	5/3/93
4. Personnel	Union Contracts		Permanent	Yes		
5. Procedures Statutes, References	Bylaws, General		Permanent	Yes		
5. Procedures Statutes	Charter	c.43B, ss.9, 11	Permanent (one mint copy).	Yes	2.14	3/13/97
5. Procedures Statutes	In-house Policies		Permanent	Yes		
5. Procedures Statutes, References	Mass. General Laws and CMRs (current)		Permanent	Yes		
5. Procedures Statutes, References	Procurement		Permanent	Yes		
6. Projects and Programs	Affordable Housing		Permanent	Yes		
6. Projects and Programs	Assabet River		Permanent	Yes		
6. Projects and Programs	Assabet River Rail Trail		Permanent	Yes		
6. Projects and	Bids for Contracts	c.30B	File with "Contracts and Leases"		23.3	5/3/93

Function	Series name (* =perm not required for destruction)	Legal citation	Disposition period	Hardcopy retention required	Series number	Date last revised
Programs				Yes/No		
6. Projects and Programs	Cable Television		Permanent	Yes		
6. Projects and Programs	Contracts and Leases	c.30B, c.260 ss.1, 2	7 years after fulfillment of contract, unless contract under seal, then 21 years unless retained by central purchasing officer, than after termination of contract.	Yes/No	23.8	5/3/93
6. Projects and Programs	Deeds		Permanent	Yes		
6. Projects and Programs	Land Use		Permanent	Yes		
6. Projects and Programs	Litigations		Permanent	Yes		
6. Projects and Programs	Master Plan		Permanent	Yes		
6. Projects and Programs	School Building		Permanent	Yes		
7. Selectmen's Meetings	Agendas		After completion of meeting	No		
7. Selectmen's Meetings	Audio Tapes or DVDs, Hearings		1 year following expiration of appeals period.	No	23.56	5/3/93
7. Selectmen's Meetings	Audio Tapes or DVDs, Meeting Minutes	c.39, s.32B, c.66, s.5A	After approval of transcription of minutes by public body. The permission of the Supervisor is not necessary.	No	23.57	5/3/93
7. Selectmen's Meetings	Awards/recognition [wouldn't these be in minutes?]		Permanent	Yes		
7. Selectmen's Meetings	Correspondence		2 years, if no informational or evidential value.	No	9.56	1/1/80
7. Selectmen's Meetings	Master List of File Structure [does not really fit under Selectmen's Meeting?]		After updating	No		
7. Selectmen's Meetings	Minutes Exec Session (before made public)		Until voted to make public	No		
7. Selectmen's	Minutes Exec Session (made public)	c.66 s.6	Permanent.	Yes	9.13	1/1/80

Function	Series name (* =perm not required for destruction)	Legal citation	Disposition period	Hardcopy retention required	Series number	Date last revised
Meetings						
7. Selectmen's Meetings	Minutes, List of Those Not Yet Released to Public Record		Until updated	No		
7. Selectmen's Meetings	Minutes Open Sessions, Including Hearings		Permanent	Yes		
7. Selectmen's Meetings	Reports to the Board		(Same as Correspondence)			
8. Town Meetings	Annual Reports (Departmental)		Permanent (one mint copy).	Yes	9.55	1/1/80
8. Town Meetings	Articles as Submitted		Until Warrant is printed	No		
8. Town Meetings	Motions, Final		Permanent	Yes		
8. Town Meetings	Special Town Meeting Petitions	c.39 s.10	Permanent.	Yes	9.19	1/1/80
8. Town Meetings	Town Clerk's Certification of Votes		Permanent	Yes		
8. Town Meetings	Warrant Distribution, Printing and Mailing Info		After use	No		
8. Town Meetings	Warrant returned from police officer, constable and/or dog officer [does this belong under Town Meetings?]	c.140 s.152	4 years, provided no litigation pending.	N	9.30	1/1/80
8. Town Meetings	Warrants, Final		Permanent	Yes		
9. Town Reports	Annual Town Reports		Permanent	Yes		
9. Town Reports	Boundary Triangulation Points (as determined by State D.P.W.)	c.42 s.9	Permanent.	Yes	9.21	1/1/80
9. Town Reports	Deeds & Leases [does not fit here?]		Permanent	Yes		
9. Town Reports	Departmental Reports As Submitted		Until Town Report is printed	No		
9. Town Reports	Descriptions of Obliterated Town Markers	c.42 s.10	Permanent.	Yes	9.22	1/1/80
9. Town Reports	Mass. Office of Minority & Women Business Assistance Reports		Permanent	Yes		
9. Town Reports	Perambulation Records, including receipts for registered notices to contiguous towns	c.42 s.2 (as amended by c.231 Acts of 1973)	Permanent.	Yes	9.23	1/1/80
9. Town Reports	Regional School District Annual Report	c.71 s.16	(See "Annual Town Reports")	Yes	9.31	1/1/80
9. Town Reports	Regional School District Organization Proposal	c.71 s.15	Permanent (one mint copy).	Yes	9.34	1/1/80